

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NEXTEL WIP LEASE CORP.)	
AND HEMPHILL CORPORATION FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	
COMMUNICATIONS FACILITY IN THE)	CASE NO.
EVANSVILLE/HENDERSONVILLE (69) BASIC)	2005-00004
ECONOMIC AREA, GREENVILLE, MUHLENBERG)	
COUNTY, KENTUCKY)	
)	
[SITE NO. 1410])	

O R D E R

On April 12, 2005, Nextel WIP Lease Corp. and Hemphill Corporation (“Applicants”) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 349 feet in height, with attached antenna, to be located off New Cypress Road, Greenville, Muhlenberg County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 14’ 35.2” by West Longitude 87° 14’ 35.4”.

The Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration (“FAA”) and the Kentucky Airport Zoning Commission (“KAZC”) seeking approval for the construction and operation of the proposed facility. The FAA application has been approved, but the KAZC application is still pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. Initially, the Commission received letters from Mr. Franklin Sallee and Mr. Jerry Gibson requesting information regarding the proposed construction. The Commission responded by asking the Applicants to provide information addressing the concerns raised in each letter. The Commission received another letter requesting information from Mr. Gibson, and again asked the Applicants to respond to his concerns. The Commission’s response to Mr. Gibson, dated June 24, 2005, set forth a time frame for further responses or a request for intervention to be filed. That time frame has expired, and the Commission has received no further correspondence from Mr. Gibson.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the

facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicants should notify the Commission if they do not use this antenna tower to provide service in the manner set out in their application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicants.

IT IS THEREFORE ORDERED that:

1. The Applicants are granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 349 feet in height, with attached antenna, and is to be located off New Cypress Road, Greenville, Muhlenberg County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 14' 35.2" by West Longitude 87° 14' 35.4".

2. The Applicants shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within ten days of receiving the decision.

3. The Applicants shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 24th day of August, 2005.

By the Commission

ATTEST:



Executive Director